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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JEFFEREY SCOTT ZIEGLER,

9 Petitioner,

10 v.

11 SCOTT SPEER,

12 Respondent.

CASE NO. C25-5031 BHS

ORDER

13 THIS MATTER comes before the Court on Magistrate Judge Brian A. Tsuchida's
14 Report and Recommendation ((R&R), Dkt. 9, recommending the Court deny pro se
15 petitioner Jeffery Ziegler's § 2241 habeas petition, Dkt. 1, deny a § 2253(c) Certificate of
16 Appealability, and close the case. It correctly concludes that this is Ziegler's fifth habeas
17 petition arising out of his 2005 state court rape conviction.

18 A district court "shall make a de novo determination of those portions of the report
19 or specified proposed finding or recommendations to which objection is made." 28
20 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any
21 portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The
22 district judge may accept, reject, or modify the recommended disposition; receive further

1 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
2 72(b)(3).

3 A proper objection requires “specific written objections to the proposed findings
4 and recommendations” in the R&R. Fed. R. Civ. P. 72(b)(2). In providing for a de novo
5 determination, Congress “intended to permit whatever reliance a district judge, in the
6 exercise of sound judicial discretion, chose to place on a magistrate’s proposed findings
7 and recommendations.” *United States v. Raddatz*, 447 U.S. 667, 676 (1980) (internal
8 quotation marks omitted). Thus, the district court is required only to indicate that it
9 reviewed the record de novo and found no merit to the objections in order to summarily
10 adopt the R&R’s analysis. *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). The
11 district court is not obligated to “expressly address” every objection. *Id.* at 437.

12 Ziegler has objected to the R&R, but his arguments are conclusory and do not
13 contain any law-fact analysis. They do not address the factual or legal underpinnings of
14 the R&R. Dkt 10. For example, Ziegler objects to the R&R as a “violation of 28 U.S.C. §
15 1915 based on the preliminary screening voidness of Article III authorization.” Like his
16 other objections, this objection does not address or undermine the R&R’s conclusion that
17 Zeigler’s habeas petition is both successive and time-barred.

18 A petitioner may not bring a second or successive habeas petition without
19 permission from the Court of Appeals. 28 U.S.C. § 2244(b)(3)(A); 28 U.S.C. § 2254 Rule
20 9. A second or successive petition is one with “claims contesting the same custody
21 imposed by the same judgment of a state court.” *Burton v. Stewart*, 549 U.S. 147, 153
22 (2007).

1 Ziegler has filed a similarly conclusory motion asking the Court to take judicial
2 notice of a 1938 Supreme Court opinion, *Johnson v. Zerbst*, 304 U.S. 458 (1938). Dkt.
3 12. The import of this opinion is unclear, but the Court need not take judicial notice of
4 Supreme Court authority. Johnson does not alter the conclusion that the Court does not
5 have jurisdiction over Ziegler's petition. The motion is **DENIED**. Ziegler's motion to
6 show cause, Dkt. 11, seeks to force the respondent to respond to his petition. It is also
7 **DENIED**.

8 The R&R is neither clearly erroneous nor contrary to law. A second or successive
9 habeas petition must be addressed to the Ninth Circuit in the first instance; this Court has
10 no jurisdiction over such a petition. § 2254(b)(3)(A). The R&R is **ADOPTED**. Ziegler's
11 habeas petition, Dkt. 1, is **DENIED**. The case is **DISMISSED**. The Court will **NOT** issue
12 a § 2253(c) Certificate of Appealability for the reasons outlined in the R&R.

13 The Clerk shall enter a **JUDGMENT** and close the case.

14 **IT IS SO ORDERED.**

15 Dated this 4th day of February, 2025.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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